IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 20456 of 1999

Between:

Nellore District Minority Education Committee, Nellore,

represented by its Secretary and Correspondent
Sri B. Swamy Das, S/o.B. Aseervadam, aged 84 years,

resident of Nellore.

..... PETITIONER

AND

1 Government of Andhra Pradesh, represented by its Secretary,
Education Department, Secretariat, Hyderabad.
2 Director of School Education, A.P. Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to examine the records relating to the petitioner's application submitted in April 1984 and subsequent reminders given after the Judgment of the Division Bench of this Honourable Court in petitioner's Writ Petition No. 16477/93 dated 26.8.93 as per the directions given, declare that the petitioner is entitled for grant of permission to establish B.Ed., College for Women, a Christian Minority Education Institution at Nellore, and consequently issue a writ of Mandamus or any other appropriate, writ, order or direction, directing the 1st respondent to grant permission as per the declaration prayed for.

Counsel for the Petitioner : MR.RAMA RAO PHILKHANA

Counsel for the Respondents : GP FOR SCHOOL EDUCATION

The Court made the following :

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O R D E R :

The petitioner herein claims to be an Education Institution established by religious minority community. The petitioner applied to the Government seeking permission to establish B.Ed. College. By order dated 2-11-1992 made in G.O.Rt.No.1973. Education (EE.II) Department, Government rejected the request of the petitioner. Assailing the said Government Order the petitioner filed W.P.No.16477 of 1993. A Division Bench of this Court while holding that G.O.Rt.No.1973, dated 2-11-1992 does not suffer from any legal infirmity, dismissed the writ petition on 26-8-1996. However, the petitioner was given liberty to make fresh application as and when the need for establishing another B.Ed. College arises. Pursuant thereto, the petitioner states that it made an application in accordance with the Notification dated 6-3-1998. Alleging that in spite of number of reminders, respondents did not consider the application, the present writ petition is filed seeking declaration that the petitioner institution is entitled for grant of permission to establish B.Ed. College.

When the matter was called, the learned Assistant Government Pleader for School Education has placed before this Court the proceedings of the State level Committee under the Chairmanship of the second respondent rejecting the application of the petitioner for issue of 'No Objection Certificate(NOC)' for establishing B.Ed. College. A copy of the proceedings
dated 25-2-1999 is also placed before this Court to that effect. Therefore, the cause of action in this writ petition does not survive. Learned counsel for the petitioner Sri Rama Rao Philkhana, however, submits that a copy of the proceedings dated 25-2-1999 whereby and whereunder permission was rejected was not communicated to the petitioner college. Therefore, he seeks liberty to challenge the order of the second respondent, a copy of which is handed over to the learned counsel for the petitioner.

The Division Bench while dismissing the writ petition being W.P.No.16477 of 1993 gave liberty to the petitioner to make an application seeking NOC. Therefore, it is always open to the petitioner to challenge the orders of the second respondent

rejecting to issue NOC.

The writ petition, with the above observations, is dismissed. No costs.

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(V.V.S.RAO, J.)

Dt.07-09-2004.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary to Government, Education Department,

Govt. of A.P., Secretariat, Hyderabad.
2 Director of School Education, A.P. Hyderabad.

3. 2CCs to Government Pleader for School Education,

High Court of A.P., Hyderabad.

4. 2CD copies

HON’BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.20456 of 1999

Dt.07-09-2004.

(Msr)